

IN THE UNITED STATES DISTRICT COURT
OF DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA,

VS.

WILLIAM KAETZ

Defendant,

2:20-MJ-9421-CRE;
2:20-CR-1090 DNJ

MEMORANDUM ORDER

AND NOW, this 22nd day of December 2020,

On October 26, 2020, the court entered an order of detention against Defendant Kaetz. (ECF No. 15). On December 16, 2020, Defendant filed a “Motion for Reconsideration of Detention” (ECF No. 22) seeking to be released pursuant to certain conditions. The government filed a response on December 22, 2020. (ECF No. 27)

Defendant's motion for reconsideration will be considered a motion to revoke and/or amend the detention order, as he seeks pretrial release and modification of the detention order. 18 U.S.C. § 3145(b). Motions to revoke and/or amend a detention order are essentially an appeal of the Magistrate Judge order of detention and are decided by the district judge under *de novo* review. *Id.*; *United States v. Delker*, 757 F.2d 1390, 1394 (3d Cir. 1985); *United States v. Cole*, 715 F. Supp. 677, 677 (E.D. Pa. 1998). While the district judge conducts a *de novo* review on such motions, the reasons articulated by the Magistrate Judge for issuing an order of detention should be given "respectful consideration." *United States v. Suppa*, 799 F.2d 115, 120 (3d Cir.1986). *See also Cole*, 715 F.Supp. at 677. The district judge may hold an evidentiary hearing and review additional evidence. Additionally, the transcript of the detention hearing before the Magistrate

Judge may also be admitted into evidence in the hearing before the District Court. *Id.*

IT IS THEREFORE ORDERED that the undersigned declines to rule on the pending motion based on the applicable law aforementioned;

IT IS FURTHER ORDERED that Clerk's Office shall modify the motion for reconsideration to be an appeal of the Magistrate Judge Order of Detention, which should be decided by the district judge assigned to the case.

BY THE COURT:

s/Cynthia Reed Eddy

Chief United States Magistrate Judge